

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY FASCE, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

NESTLÉ HEALTH SCIENCE U.S., LLC
(D/B/A NATURE'S BOUNTY)

Defendant.

Case No. 7:24-cv-01009-PMH

PLAINTIFF'S NOTICE REGARDING LIMITATION OF PROPOSED CLASS

Plaintiff hereby provides notice that Plaintiff
Nationwide class in his First Amended Complaint
Amended Complaint to a proposed New York class.

In the First Amended Complaint, Plaintiff
New York Gen. Bus. Law § 349; (2) Violation of
Express Warranty; (4) Breach of Implied Warranty
(6) Fraudulent Misrepresentation/Omission. For the first two causes of action, Plaintiff has

always limited the proposed class to a New York class. For the latter four causes of action,
Plaintiff previously alleged a proposed Nationwide Class and a proposed New York Class.
Plaintiff hereby withdraws all allegations of a Nationwide Class, and limits the allegations to a
proposed New York Class.

In light of Defendant's consent to the amendment (Doc. 28),
Plaintiff's First Amended Complaint (Doc. 19) is deemed
amended to eliminate all allegations of a Nationwide Class.
The Court further deems the pending motion to dismiss (Doc.
23) as pressed against this pleading as amended.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
October 28, 2024

Dates: October 17, 2024

Respectfully submitted,

/s/ Richard Lyon

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